



**CITY OF MARLBOROUGH**  
**OFFICE OF CITY CLERK**  
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**JANUARY 27, 2014**

Regular meeting of the City Council held on Monday, January 27, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 8:40 PM.

**ORDERED:** That the minutes of the City Council meeting JANUARY 13, 2014, **FILE**; adopted.

**ORDERED:** That an executive session be scheduled during the City Council meeting scheduled for January 27, 2014. The executive session would be for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, **DENIED AND DISCUSSION WILL TAKE PLACE IN PUBLIC FORUM.**

**Suspension of the Rules requested – granted to allow the Mayor and City Solicitor to speak.**

**ORDERED:** That there being no objection thereto set **Monday, February 24, 2014** as a date for a **PUBLIC HEARING** On the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

**ORDERED:** That the DPW transfer requests for various amounts to fund line items associated with interim/temporary promotions due to absences and vacancies, police overtime for details associated with water and sewer maintenance and repair, and overtime incurred from water main breaks, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:		Department of Public Works				FISCAL YEAR:		2014			
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$4,800.00	\$1,200	14001103	51440		Educational Incentive	\$1,200	14001103	51240		Temporary Part Time Help	\$2,345
		Reason: Surplus in account					Bring back last summer's college student during winter & spring breaks to conclude project				
\$4,800.00	\$1,500	14001103	51440		Educational Incentive	\$1,500	14001103	51310		Overtime - Regular	\$192
		Reason: Surplus in account					Overtime associated with the spring/summer construction season				
\$422,363.00	\$600	14001303	50740		Equipment Operators (St's.)	\$600	14001303	51470		Interim Foreman	\$3,066
		Reason: Surplus due to worker's comp. injury					Higher than anticipated system repairs/storm event cost				
\$404,901.00	\$2,000	14001503	50740		Equipment Operators (F/P/C)	\$2,000	14001506	54630		Tree Planting	\$2,417
		Reason: Surplus due to worker's comp. injury					Various locations throughout city				
\$152,098.00	\$5,000	60085001	50850		Sewer Tr. Plant Oper.	\$5,000	61090006	54620		Maintenance-Trenches	\$15
		Reason: Surplus due to worker's comp. injury					Additional funding needed for trench repairs due to water/sewer breaks				
	\$10,300	Total				\$10,300	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:				FISCAL YEAR:					
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	61090003	51380	Overtime Water/Sewer	\$0
		Reason: Surplus due to recent retirement				Funding needed for police overtime			
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	60080003	51380	Overtime Water/Sewer	\$1,376
		Reason: Surplus due to retirement				Funding needed for police overtime			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security grant awarded to the Police Department in the amount of \$60,680.36 for the FY2014 State 911 Department Training and EMD/Regulatory Compliance Grant Program; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Massachusetts Cultural Council grant awarded to the Marlborough Cultural Council in the amount of \$8,585.00 to fund worthy arts, humanities, music and youth based initiatives throughout our community; adopted.

ORDERED: That the Reappointment of Police Chief Leonard as Keeper of the Lockup for one year, **APPROVED**; adopted.

ORDERED: That the Reappointment of Linda Clark to the Board of Registrars for a three year term to begin on April 1, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Thomas Abel to the Library Board of Trustees for a three year term to expire on February 6, 2017 who replaces Jean Peters whose term is due to expire on February 3, 2014 & Reappointments of Ray Hale for two years to expire on February 6, 2016; Raymond Johnson for three years to expire on February 6, 2017; Susan Laufer for three years to expire on February 6, 2017; Robyn Ripley for two years to expire on February 1, 2016, and Janice Merk for one year to expire on February 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Retirement of Fire Chief James Fortin, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor Donald Rider re: Proposed Zoning Amendment, Dental Clinics containing the revisions recommended by the Committee, Order No. 13/14-1005578B, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation of Proposed Zoning Amendment. Section 650-17 entitled "Table of Uses" is hereby amended by regulating the business uses entitled "Medical and Dental Clinic", Order No. 13/14-1005578B, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Public Services Committee Chairman Landers – re-filing of Application for Renewal of Junk Dealer License, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road, for referral to Public Services Committee, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Tim Cummings, MEDC-Urban Land Institute (ULI TAP) Technical Assistance Program Final Report: Coordinating Action in Downtown Marlborough, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 24, 2014**, as date for a **PUBLIC HEARING** on the Petition of NGRID and Verizon to relocate existing PC6 Laviolette Street 35' south towards the entrance to Lake Williams Condos. This will be used as a primary riser pole to feed a padmounted transformer. This is required to provide service to new building, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 24, 2014**, as date for a **PUBLIC HEARING** on the Petition of NGRID and Verizon to relocate the following poles on West Hill Road: P12 (4' North), P15 (4' North), P18 (5' North), P27 (8' South), P28 (6' South), P31 (5' South), P30 (3.5' South) and installation of new Guy Stub Pole 12-84, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Minutes, Board of Health, January 8, February 12, March 13, April 9, May 21, June 11, August 13, September 10, December 10, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, November 26, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 20, and September 20, 2012, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 23, February 27, March 27, April 24, May 22, June 26, July 31, August 28, October 2, October 23, November 20, and December 18, 2013, **FILE**; adopted.

ORDERED: That Minutes, Planning Board, December 16, 2013, **FILE**; adopted.

ORDERED: ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT**; adopted.

- A. Kori Berardino, 53 East Dudley St., residential mailbox claim 2(a)
- B. Frank Maglio, Jr., 272 Vega Rd., residential mailbox claim 2(a)

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder and Irish. Councilor Landers was also in attendance. The meeting convened at 7:00 PM.

**Order No. 13-1005613 – Transfer \$94,414.90 from the Fringe Account to the Fire Department.** The Finance Committee reviewed the Mayor's letter dated November 27, 2013 requesting two transfers from the Fringe account totaling \$94,414.90 to fund vacation buy back (\$48,704.98) and the retirement of a Firefighter (\$45,709.92) in the Fire Department. **The Finance Committee voted 5 – 0 to approve the two transfers.**

**Order No. 14-1005642 – Transfer \$100,000.00 from the Firefighter Salary Account to the Fire Department Overtime Account.** The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting the transfer of \$100,000.00 from the Firefighter salary account to the Overtime account to cover injuries, unanticipated retirements and illnesses in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfers.**

**Order No. 14-1005641 – Transfer \$168,090.00 and \$4,000.00 from Various Police Department Line Items to Cover Overtime and Training.** The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting two transfers:

- Transfer \$168,090.00 from various Police Department line items to cover overtime due to retirements and injured officers.
- Transfer \$4,000.00 from Court Overtime to training and Dues and Subscriptions for newly promoted officers.

**The Finance Committee voted 5 – 0 to approve the two transfers.**

**Order No. 14-1005643 – Transfer \$10,000.00 from the Custodian Account to the Custodian Overtime Account.** The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting the transfer of \$10,000.00 from the Custodian salary account to the Overtime account to cover weather related emergencies and building HVAC issues that required the call in of personnel. **The Finance Committee voted 5 – 0 to approve the transfers.**

**Order No. 13-1005614 A&B – Wiring Inspector Amendments to the General Code.** The Finance Committee reviewed the Mayor’s letter dated November 26, 2013 requesting a change to the General Code for the compensation of the Wiring Inspector and establishing an Assistant Wiring Inspector. Additionally, the letter requests a change to the salary ordinance for the Wiring Inspector, Assistant Wiring Inspector and Assistant Plumbing Inspector. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the following:

- **Order 13-1005614A** - Amending the General Code changing the compensation of the Wiring Inspector from per inspection to salary and establishing the position of an Assistant Wiring Inspector in the City Code compensated on a per inspection basis at the same rate of the Assistant Plumbing/Gas Inspector.
- **Order 13-1005614B** - Revised salary ordinance for the positions of Wiring Inspector, Assistant Wiring Inspector, and Assistant Plumbing Inspector.

**The Finance Committee agreed to support suspending the rules at the January 27, 2014 City Council meeting to report out the advertisement of the salary ordinance.**

**Order No. 13-1005625 – Transfer \$17,500.00 from two Building Department Stabilization Accounts to fund Inspection Services.** The Finance Committee reviewed the Mayor’s letter dated December 12, 2013 requesting the transfer of \$17,500.00 from the two Building Department Stabilization Accounts to fund the Assistant Building Inspector salary adjustment, the part time Wiring Inspector salary, and fund the Assistant Plumbing Inspector at the new rate. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the transfers.

Councilor Delano reported the following out of the Urban Affairs Committee:

Committee members Delano, Clancy, Landers, Tunnera, Page along with Councilors Robey and President Pope were in attendance.

The Urban Affairs Committee met to review two orders. The first was:

**Order No. 13-1005582**

Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street.

PUBLIC HEARING: JANUARY 13, 2014

The committee met with the applicants to review the Findings and Facts and Conditions and incorporate the suggestions of the committee, department heads and City Solicitor. The main changes were to set the final hours of operation, ban alcohol from the premises, and to require the Applicant/Landlord to submit as-built Site plans by May 31, 2014. The committee clarified the attachments to be incorporated into the final document.

Motion by Councilor Clancy to approve, as amended, carried 5-0.

**Motion by Councilor Clancy for a suspension of the rules to refer to the City Solicitor to put the document in proper legal form for the next City Council meeting on February 10, 2014 carried 5-0.**

The committee next reviewed:

**Order No. 13-1005578**

Proposed Zoning Amendment submitted by Councilor Clancy to amend the Medical and Dental Clinic Use by making them separate uses and by adding two new definitions – Medical Clinic and Dental Clinic and, further, to allow dental clinics as of right in the Business (B) district.

REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: JANUARY 13, 2014

Councilor Clancy walked the committee through his reasoning for requesting the change, and the committee incorporated two suggested changes from the Planning Board which were to limit the number of dentists on site to three (3), and strike the wording regarding persons not being capable of self-preservation (under anesthesia).

**The City Solicitor agreed to incorporate the changes agreed upon by the committee into a clean document for placement on the January 27, 2014 regular meeting agenda.**

**A motion to approve as amended carried 5-0.**

**Suspension of the Rules requested – granted**

ORDERED: That the MMEA Contract Transfer request to fund the recently ratified collective bargaining contract between the City of Marlborough and the Marlborough Municipal Employees Association (MMEA) for FY 2013, 2014, and 2015, **APPROVED**; adopted.

**Councilor Irish abstained**

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$460,696	\$133,345	11990006	57820	Reserve for Salaries	\$5,285	11330002	50062	Finance Assistant	\$64,418
	Reason:							Contractual Increase	
					\$2,185	11350002	50062	Finance Assistant	\$30,390
	Reason:							Contractual Increase	
					\$2,090	11350002	50550	Head Clerk	\$27,716
	Reason:							Contractual Increase	
					\$925	11350002	50770	Senior Clerk	\$10,555
	Reason:							Contractual Increase	
					\$2,925	11410002	50550	Head Clerk	\$23,328
	Reason:							Contractual Increase	
					\$2,480	11410002	50770	Senior Clerk	\$27,771
	Reason:							Contractual Increase	
					\$4,955	11440002	50770	Senior Clerk	\$45,883
	Reason:							Contractual Increase	
					\$2,285	11550001	50210	Senior System Analyst	\$33,039
	Reason:							Contractual Increase	
					\$2,570	11550001	50213	Network Engineer	\$42,983
	Reason:							Contractual Increase	

						\$2,540	11610002	50770	Senior Clerk		\$21,372
	Reason:								Contractual Increase		
						\$2,120	11620002	50141	Clerk		\$8,184
	Reason:								Contractual Increase		
						\$1,940	11620002	50520	Principal Clerk		\$23,728
	Reason:								Contractual Increase		
						\$8,055	11920001	50292	Bldg Maint. Craftsman		\$102,814
	Reason:								Contractual Increase		
						\$2,130	11920001	50385	Electrician		\$28,826
	Reason:								Contractual Increase		
						\$1,975	11920002	50520	Principal Clerk		\$12,316
	Reason:								Contractual Increase		
						\$5,145	11920003	50560	Custodian		\$89,656
	Reason:								Contractual Increase		
						\$1,940	12100002	50520	Principal Clerk		\$24,271
	Reason:								Contractual Increase		
						\$1,845	12100002	50770	Senior Clerk		\$21,107
	Reason:								Contractual Increase		
						\$2,030	12100003	50540	Chief Dispatcher		\$27,009
	Reason:								Contractual Increase		
						\$15,200	12100003	51213	Public Safety Dispatcher		\$204,842
	Reason:								Contractual Increase		
						\$2,110	12100003	51214	Public Safety Admin Asst.		\$29,323
	Reason:								Contractual Increase		
						\$2,150	12200002	51214	Public Safety Admin Asst.		\$29,362
	Reason:								Contractual Increase		
						\$5,235	12410001	50260	Asst Bldg Inspector		\$61,519
	Reason:								Contractual Increase		
						\$2,285	12410001	50370	Plumbing Inspector		\$33,038
	Reason:								Contractual Increase		
						\$7,160	12410002	50770	Senior Clerk		\$74,943
	Reason:								Contractual Increase		
						\$1,975	14001002	50520	Principal Clerk		\$24,631
	Reason:								Contractual Increase		
						\$2,090	14001002	50550	Head Clerk		\$27,716
	Reason:								Contractual Increase		
						\$1,845	14001002	50770	Senior Clerk		\$21,108
	Reason:								Contractual Increase		
						\$1,975	161090002	50520	Principal Clerk		\$24,631
	Reason:								Contractual Increase		

						\$2,110	14920001	50166	Recreation Program Mngr.	\$28,324
	Reason:						Contractual Increase			
						\$1,845	14920002	50770	Senior Clerk	\$21,107
	Reason:						Contractual Increase			
						\$2,020	15120001	50611	Assistant Sanitarian	\$25,857
	Reason:						Contractual Increase			
						\$1,845	15120002	50770	Senior Clerk	\$21,107
	Reason:						Contractual Increase			
						\$1,905	15410001	50312	Outreach Worker	\$23,485
	Reason:						Contractual Increase			
						\$2,805	16100001	50470	Children's Librarian	\$24,451
	Reason:						Contractual Increase			
						\$1,975	16100001	50471	Young Adult Librarian	\$24,665
	Reason:						Contractual Increase			
						\$1,975	16100001	50480	Cataloguer	\$24,631
	Reason:						Contractual Increase			
						\$2,090	16100001	50656	Head of Circulation	\$27,715
	Reason:						Contractual Increase			
						\$1,975	16100002	50520	Principal Clerk	\$24,631
	Reason:						Contractual Increase			
						\$3,680	16100003	50490	Library Staff	\$42,214
	Reason:						Contractual Increase			
						\$1,630	16100003	50860	Clerk	\$15,335
	Reason:						Contractual Increase			
						\$10,045	16100003	51261	Library Staff Assistant	\$89,813
	Reason:						Contractual Increase			

**Suspension of the Rules requested – granted**

ORDERED: That the IT/Building Department transfer request in the amount of \$27,000.00 which moves funds from Undesignated to Computer Software due to an increase in the size of building permits and said funds budgeted for use of GeoTMS software, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$27,000.00  
 Undesignated Funds

TO:

Acct. # 11550004-52541 \$27,000.00  
 Maint/Computer Software.

**Councilor Irish abstained**

**Suspension of the Rules requested – granted**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 473, ENTITLED “POLES, WIRES AND CONDUITS,” AND CHAPTER 7, ENTITLED “ADMINISTRATION,” AS FOLLOWS:

- A. Chapter 473 is hereby amended by deleting section 473-1 in its entirety and replacing it with the following:

§ 473-1. Appointment of Inspector of Wires

The Mayor shall appoint an Inspector of Wires for a term of three years. The position of Inspector of Wires shall be a salaried position.

- B. Chapter 7 is hereby amended by deleting section 7-80 in its entirety and replacing it with the following:

§ 7-80. Assistant Plumbing Inspector & Assistant Wiring Inspector.

There shall be an Assistant Plumbing Inspector and an Assistant Wiring Inspector, who shall perform the duties of the Plumbing Inspector and the Wiring Inspector, respectively, as needed under the direction of the Building Inspector. The positions of Assistant Plumbing Inspector and Assistant Wiring Inspector shall be compensated in accordance with the salary ordinance on a per inspection basis.

**ADVERTISED;** adopted.  
**Councilor Irish abstained**

**Suspension of the Rules requested – granted**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM	MAXIMUM
<b>Wiring Inspector*</b> (* part-time salary based on a 19 hour work week)	1/2/14	630.80	630.80
<b>Assistant Wiring Inspector &amp; Assistant Plumbing Inspector</b>	1/2/14	\$25.00 / per inspection	

**ADVERTISED;** adopted.  
**Councilor Irish abstained**

**Suspension of the Rules requested – granted**

ORDERED: That the Legal Department transfer request in the amount of \$75,000.00 from Undesignated to Legal Services to fund anticipated legal expenses for the remainder of the fiscal year, **APPROVED;** adopted.

FROM:

Acct. # 10000-35900 \$75,000.00  
 Undesignated Funds

TO:

Acct. # 11510004-53110 \$75,000.00  
 Legal Services

**Suspension of the Rules requested – granted**

ORDERED: That the Application for Special Permit from Attorney Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility at 289 Elm Street, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE FEBRUARY 10, 2014 CITY COUNCIL MEETING**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:40 PM.